



General Assembly

***Substitute Bill No. 6503***

*January Session, 2003*

***AN ACT CONCERNING INDOOR ENVIRONMENTAL QUALITY IN SCHOOLS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 10-206 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2003*):

4 (c) Each local or regional board of education shall require each pupil  
5 enrolled in the public schools to have health assessments in either  
6 grade three or four, in either grade six or grade seven and in either  
7 grade ten or grade eleven. The assessment shall include: (1) A physical  
8 examination which shall include hematocrit or hemoglobin tests,  
9 height, weight, blood pressure, and, beginning with the 2003-2004  
10 school year, a chronic disease assessment which shall include, but not  
11 be limited to, asthma as defined by the Commissioner of Public Health  
12 pursuant to subsection (c) of section 19a-62a. The assessment form  
13 shall include (A) a check box for the provider conducting the  
14 assessment, as provided in subsection (a) of this section, to indicate an  
15 asthma diagnosis, (B) screening questions relating to appropriate  
16 public health concerns to be answered by the parent or guardian, and  
17 (C) screening questions to be answered by such provider; (2) an  
18 updating of immunizations as required under section 10-204a,  
19 provided a registered nurse may only update said immunizations  
20 pursuant to a written order of a physician or physician assistant,

21 licensed pursuant to chapter 370, or an advanced practice registered  
 22 nurse, licensed pursuant to chapter 378; (3) vision, hearing, postural  
 23 and gross dental screenings; and (4) such other information including a  
 24 health history as the physician feels is necessary and appropriate. The  
 25 assessment shall also include tests for tuberculosis and sickle cell  
 26 anemia or Cooley's anemia where the local or regional board of  
 27 education, in consultation with the school medical advisor and the  
 28 local health department, or in the case of a regional board of education,  
 29 each local health department, determines that said screening or test is  
 30 necessary, provided a registered nurse may only perform said tests  
 31 pursuant to the written order of a physician or physician assistant,  
 32 licensed pursuant to chapter 370, or an advanced practice registered  
 33 nurse, licensed pursuant to chapter 378.

34 Sec. 2. Subsection (a) of section 10-220 of the general statutes is  
 35 repealed and the following is substituted in lieu thereof (*Effective*  
 36 *October 1, 2003*):

37 (a) Each local or regional board of education shall maintain good  
 38 public elementary and secondary schools, implement the educational  
 39 interests of the state as defined in section 10-4a and provide such other  
 40 educational activities as in its judgment will best serve the interests of  
 41 the school district; provided any board of education may secure such  
 42 opportunities in another school district in accordance with provisions  
 43 of the general statutes and shall give all the children of the school  
 44 district as nearly equal advantages as may be practicable; shall provide  
 45 an appropriate learning environment for its students which includes  
 46 (1) adequate instructional books, supplies, materials, equipment,  
 47 staffing, facilities and technology, (2) equitable allocation of resources  
 48 among its schools, and (3) a safe school setting; shall have charge of the  
 49 schools of its respective school district; shall make a continuing study  
 50 of the need for school facilities and of a long-term school building  
 51 program and from time to time make recommendations based on such  
 52 study to the town; shall undertake maintenance of its facilities,  
 53 including, but not limited to, the preventative maintenance  
 54 components of the Environmental Protection Agency's Indoor Air

55 Quality Tools for Schools Program; shall report annually to the  
56 Commissioner of Education on the condition of its facilities and the  
57 action taken to implement its long-term school building program,  
58 which report the commissioner shall use to prepare an annual report  
59 that said commissioner shall submit in accordance with section 11-4a  
60 to the joint standing committee of the General Assembly having  
61 cognizance of matters relating to education; shall advise the  
62 Commissioner of Education of the relationship between any individual  
63 school building project pursuant to chapter 173 and such long-term  
64 school building program; shall have the care, maintenance and  
65 operation of buildings, lands, apparatus and other property used for  
66 school purposes and at all times shall insure all such buildings and all  
67 capital equipment contained therein against loss in an amount not less  
68 than eighty per cent of replacement cost; shall determine the number,  
69 age and qualifications of the pupils to be admitted into each school;  
70 shall develop and implement a written plan for minority staff  
71 recruitment for purposes of subdivision (3) of section 10-4a; shall  
72 employ and dismiss the teachers of the schools of such district subject  
73 to the provisions of sections 10-151 and 10-158a; shall designate the  
74 schools which shall be attended by the various children within the  
75 school district; shall make such provisions as will enable each child of  
76 school age, residing in the district to attend some public day school for  
77 the period required by law and provide for the transportation of  
78 children wherever transportation is reasonable and desirable, and for  
79 such purpose may make contracts covering periods of not more than  
80 five years; may place in an alternative school program or other suitable  
81 educational program a pupil enrolling in school who is nineteen years  
82 of age or older and cannot acquire a sufficient number of credits for  
83 graduation by age twenty-one; may arrange with the board of  
84 education of an adjacent town for the instruction therein of such  
85 children as can attend school in such adjacent town more conveniently;  
86 shall cause each child five years of age and over and under eighteen  
87 years of age who is not a high school graduate and is living in the  
88 school district to attend school in accordance with the provisions of  
89 section 10-184, and shall perform all acts required of it by the town or

90 necessary to carry into effect the powers and duties imposed by law.

91 Sec. 3. Section 10-220 of the general statutes is amended by adding  
92 subsection (d) as follows (*Effective October 1, 2003*):

93 (NEW) (d) Prior to January 1, 2008, and every five years thereafter,  
94 for every school building that is or has been constructed, renovated or  
95 replaced on or after January 1, 2003, a local or regional board of  
96 education shall conduct a uniform inspection and evaluation program  
97 of the indoor environmental quality within such buildings, such as the  
98 Environmental Protection Agency's Indoor Air Quality Tools for  
99 Schools Program. The inspection and evaluation program shall  
100 include, but not be limited to, a review, inspection or evaluation of the  
101 following: (1) The heating, ventilation and air conditioning systems; (2)  
102 radon levels in the water and the air; (3) potential for exposure to  
103 microbiological airborne particles, including, but not limited to, fungi,  
104 mold and bacteria; (4) chemical compounds of concern to indoor air  
105 quality including, but not limited to, volatile organic compounds; (5)  
106 the degree of pest infestation, including, but not limited to, insect and  
107 rodents; (6) the degree of pesticide usage; (7) the presence of and the  
108 plans for removal of any hazardous substances that are contained on  
109 the list prepared pursuant to Section 302 of the federal Emergency  
110 Planning and Community Right-to-Know Act, 42 USC 9601 et seq.; (8)  
111 ventilation systems; (9) plumbing, including water distribution  
112 systems, drainage systems and fixtures; (10) moisture incursion; (11)  
113 the overall cleanliness of the facilities; (12) building structural  
114 elements, including, but not limited to, roofing, basements or slabs;  
115 and (13) the use of space, particularly areas that were designed to be  
116 unoccupied.

117 Sec. 4. Section 10-291 of the general statutes is repealed and the  
118 following is substituted in lieu thereof (*Effective October 1, 2003*):

119 (a) No school building project for which state assistance is sought  
120 shall be undertaken except according to a plan and on a site approved  
121 by the [state] Department of Education, the town or regional board of

122 education and by the building committee of such town or district. No  
123 such school building project shall be undertaken at an expense  
124 exceeding the sum which the town or regional district may  
125 appropriate for the project. In the case of a school building project  
126 financed in whole or in part by an energy conservation lease purchase  
127 agreement, the expense of the project shall not exceed the sum which  
128 the town or regional school district approved for the project. In the  
129 case of a school building project which is a construction, extension or  
130 replacement of a building to be used for public school purposes, the  
131 town or regional board of education and the building committee of  
132 such town or district shall include in its application a Phase I  
133 environmental site assessment in accordance with the American  
134 Society for Testing and Materials Standard #1527, Standard Practice  
135 for Environmental Site Assessments: Phase I Environmental Site  
136 Assessment Process, or similar subsequent standards. A copy of final  
137 plans and specifications for each phase of site development and  
138 construction of all school building projects and for each phase thereof  
139 including site development shall be filed with the Commissioner of  
140 Education subject to the provisions of section 10-292 before the start of  
141 such phase of development or construction shall be begun. A town or  
142 regional school district may commence a phase of development or  
143 construction before completion of final plans and specifications for the  
144 whole project provided a copy of the latest preliminary plan and cost  
145 estimate for such project which has been approved by the town or  
146 regional board of education and by the building committee shall be  
147 submitted with the final plans and specifications for such phase. Any  
148 board of education which, prior to the approval of a grant commitment  
149 by the General Assembly, commences any portion of a school  
150 construction project or causes any such project to be let out for bid,  
151 shall not be eligible for a school construction grant until a grant  
152 commitment is so approved.

153 (b) The Department of Education shall not approve a school  
154 building project plan or site, as applicable, if:

155 (1) In the case of a school building project that is a construction,

156 extension or replacement of a building to be used for public school  
157 purposes, the Phase I environmental site assessment indicates that the  
158 site cannot, within reasonable expenditures, meet the criteria for  
159 residential properties in the regulations adopted pursuant to section  
160 22a-133k.

161 (2) The site is in an area of moderate or high radon potential, as  
162 indicated in the Department of Environmental Protection's Radon  
163 Potential Map, or similar subsequent publications, except where the  
164 school building project plan incorporates construction techniques to  
165 mitigate radon levels in the air of the facility.

166 (3) The plans incorporate flat-roof construction that does not have  
167 adequate pitch towards drains in order to prevent the pooling of  
168 water.

169 (4) In the case of a renovation or extension of a building to be used  
170 for public school purposes, the plans do not incorporate the standards  
171 provided in the Sheet Metal and Air Conditioning Contractors  
172 National Association's publication entitled "Indoor Air Quality  
173 Guidelines for Occupied Buildings Under Construction" or similar  
174 subsequent publications.

175 Sec. 5. (NEW) (*Effective October 1, 2003*) (a) For purposes of this  
176 section "Standard 62" means the American Society of Heating,  
177 Ventilating and Air Conditioning Engineers Standard 62 entitled  
178 "Ventilation for Acceptable Indoor Air Quality", as referenced by the  
179 State Building Code adopted under section 29-252 of the general  
180 statutes.

181 (b) Each local or regional board of education shall ensure that its  
182 heating, ventilation and air conditioning system is (1) maintained and  
183 operated in accordance with the prevailing maintenance standards,  
184 such as Standard 62, at the time of installation or renovation of such  
185 system, and (2) operated continuously during the hours in which  
186 students or school personnel occupy school facilities, except (A) during  
187 scheduled maintenance and emergency repairs, and (B) during periods

188 for which school officials can demonstrate to the local or regional  
189 board of education's satisfaction that the quantity of outdoor air  
190 supplied by an air supply system that is not mechanically driven meets  
191 the Standard 62 requirements for air changes per hour.

192 (c) Each local or regional board of education shall maintain records  
193 of the maintenance of its heating, ventilation and air conditioning  
194 systems for a period of not less than five years.

195 Sec. 6. (NEW) (*Effective October 1, 2003*) Notwithstanding the  
196 provisions of section 10-286 of the general statutes, the Commissioner  
197 of Education shall not include the area necessary to support a heating,  
198 ventilation and air conditioning system in the calculation of the  
199 number of gross square feet per pupil pursuant to said section 10-286.

200 Sec. 7. (NEW) (*Effective October 1, 2003*) Each local and regional  
201 board of education shall establish an indoor environmental quality  
202 committee for each school facility to increase staff and student  
203 awareness of facets of the environment that affect the health of the  
204 occupants of school facilities including, but not limited to, air quality,  
205 water quality and the presence of radon, by utilizing the  
206 Environmental Protection Agency's Indoor Air Quality Tools for  
207 Schools. Such committee shall include, but not be limited to, not less  
208 than one administrator, one maintenance staff member, one teacher,  
209 one school health staff member, one parent of a student and two  
210 members-at-large from the school district.

211 Sec. 8. (NEW) (*Effective October 1, 2003*) The Department of  
212 Education shall monitor the development by the United States  
213 Environmental Protection Agency or other federal agency, a state, a  
214 municipality, or any professional organization of guidelines for new  
215 school construction and guidelines for acceptable levels of major  
216 indoor air contaminants in school buildings, including, but not limited  
217 to, fungi, mold, bacteria, volatile organic compounds, carbon dioxide,  
218 carbon monoxide and formaldehyde.

219 Sec. 9. (NEW) (*Effective October 1, 2003*) (a) No local or regional

220 board of education may discharge, discipline or otherwise penalize  
221 any employee of such board because the employee, or a person acting  
222 on behalf of the employee (1) reports, verbally or in writing, a violation  
223 or a suspected violation of the preventative maintenance requirement  
224 of subsection (a) of section 10-220 of the general statutes, as amended  
225 by this act, subsection (d) of section 10-220 of the general statutes, as  
226 amended by this act, or section 5 or 7 of this act, or (2) issues opinions  
227 or conclusions while participating in the inspection requirement  
228 pursuant to subsection (d) of section 10-220 of the general statutes, as  
229 amended by this act, or in the activities of the indoor environmental  
230 quality committee pursuant to section 7 of this act.

231 (b) Any employee of such board who believes that a local or  
232 regional board of education has violated subsection (a) of this section  
233 may request the Attorney General to investigate such matter. The  
234 Attorney General shall have power to summon witnesses, require the  
235 production of any necessary books, papers or other documents and  
236 administer oaths to witnesses, where necessary, for the purpose of  
237 investigation. Upon the conclusion of the investigation, the Attorney  
238 General shall, where necessary, report the findings to the employee  
239 and the local or regional board of education. After the conclusion of  
240 such investigation, the Attorney General, the employee or the  
241 employee's attorney may file a complaint concerning such personnel  
242 action with the Chief Human Rights Referee designated under section  
243 46a-57 of the general statutes. The Chief Human Rights Referee shall  
244 assign the complaint to a human rights referee appointed under  
245 section 46a-57 of the general statutes, who shall conduct a hearing and  
246 issue a decision concerning whether the officer or employee taking or  
247 threatening to take the personnel action violated any provision of this  
248 section. If the human rights referee finds such a violation, the referee  
249 may award the aggrieved employee reinstatement to the employee's  
250 former position, back pay and reestablishment of any employee  
251 benefits to which the employee would otherwise have been eligible if  
252 such violation had not occurred, reasonable attorneys' fees and any  
253 other damages. For the purposes of this subsection, such human rights

254 referee shall act as an independent hearing officer. The decision of a  
 255 human rights referee under this subsection may be appealed by any  
 256 person who was a party at such hearing, in accordance with the  
 257 provisions of section 4-183 of the general statutes.

258 (c) The Chief Human Rights Referee shall adopt regulations, in  
 259 accordance with the provisions of chapter 54 of the general statutes,  
 260 establishing the procedure for filing complaints and noticing and  
 261 conducting hearings under this section.

262 (d) In any proceeding under this section concerning a personnel  
 263 action taken or threatened against an employee of a local or regional  
 264 board of education, which personnel action occurs within one year  
 265 after the employee first transmits facts and information concerning a  
 266 matter under subsection (a) of this section to the Attorney General,  
 267 there shall be a rebuttable presumption that the personnel action is in  
 268 retaliation for the action taken by the employee under subsection (a) of  
 269 this section.

270 (e) Any employee of a local or regional board of education who is  
 271 found to have knowingly and maliciously made false charges under  
 272 subsection (a) of this section shall be subject to disciplinary action by  
 273 such board, including, but not limited to, dismissal.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>
Sec. 8	<i>October 1, 2003</i>
Sec. 9	<i>October 1, 2003</i>

**ENV**      *Joint Favorable Subst.*

***ED***      *Joint Favorable*

***JUD***      *Joint Favorable*